

REMARKS/ARGUMENTS

The Office Action of September 22, 2004, has been carefully considered.

It is noted that the specification is objected to for failing to provide proper antecedent basis for the claimed subject matter.

Claims 1-4 are rejected under 35 U.S.C. §102(b) over the patent to Miller.

Claims 8 and 10 are rejected under 35 U.S.C. §102(b) over the patent to Gottschalck.

Claims 5-7 are rejected under 35 U.S.C. §103(a) over Miller in view of Gottschalck.

In connection with the Examiner's objection to the specification, applicant has amended the specification so that there is antecedent basis for the gore line being Y-shaped. Applicant respectfully submits that this does not introduce new matter to the specification since the drawings as originally filed clearly show that the gore line is Y-shaped.

In view of these considerations, it is respectfully submitted that the objection to the specification is overcome and should be withdrawn.

In view of the Examiner's rejections of the claims, applicant has amended claims 1-4 and 8.

The claims now on file specifically define a sock in which the heel portion has only one gore line and that one gore line is a Y-shaped double gore line that consists of two gore line portions at an angle to one another so as to meet at a vertex, and a further gore line portion that extends away from the vertex, so that the foot portion of the sock is at an angle of substantially 90° to the leg portion of the sock.

Applicant respectfully submits that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Miller, it can be seen that this patent discloses a stocking blank. Applicant respectfully submits that Miller does not disclose a heel portion having only one gore line wherein the one gore line is a Y-shaped double gore line that consists of two gore line portions at an angle to one another so as to meet at a vertex and a further gore line portion that extends away from the vertex, as in the presently claimed invention. Although if one were to select only part of the heel portion of Miller, there is a roughly Y-shape, this partial gore line construction is not what is disclosed by Miller. Miller

clearly discloses three gore line portions that are at angles to one another so as to form two vertices. There is absolutely no disclosure by Miller for deleting any of these portions, in fact, in Fig. 12, Miller discloses four gore line portions at an angle to each other so as to create three vertices. Thus, Miller does not disclose a heel portion having only one Y-shaped double gore line that consists of two gore line portions at an angle to one another so as to meet at a vertex and a further gore line portion that extends away from the vertex, as in the presently claimed invention.

In view of these considerations, it is respectfully submitted that the rejection of claims 1-4 under 35 U.S.C. §102(b) over the above discussed reference is overcome and should be withdrawn.

The patent to Gottschalck discloses a seamless hosiery. Applicant takes issue with the Examiner's statement on page 4 of the Office Action that "The Examiner is only considering the lower bulged portion of section (a) as the claimed first section and the mid section as section (b)." Although arguably the drawings of Gottschalck illustrate what the Examiner argues, there is no support for making such an interpretation to be found in the disclosure of Gottschalck. The Examiner merely randomly changes the meaning of features disclosed by Gottschalck so as to fit the claim language in the present application. In any event, applicant has amended claim 8 to recite a specific gore line construction. Gottschalck provides no disclosure of such a gore line. Thus, it is respectfully submitted that the rejection of claims 8 and 10 under 35 U.S.C. §102(b) over the above discussed reference is overcome and should be withdrawn.

The Examiner combined Gottschalck and Miller in rejecting claims 5-7. Applicant respectfully submits that a combination of these two references does not provide any teaching or suggestion of or for a heel portion having a gore line as recited in independent claim 1 and as discussed above. Thus, it is respectfully submitted that the rejection of claims 5-7 under 35 U.S.C. §103(a) over a combination of the above discussed references is overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label #EV in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on March 22, 2005:

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Name of applicant, assignee or
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March 22, 2005

Date of Signature

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